

114TH CONGRESS  
1ST SESSION

# H. R. 2791

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2015

Received

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## AN ACT

To require that certain Federal lands be held in trust by the United States for the benefit of certain Indian tribes in Oregon, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1     **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2         (a) SHORT TITLE.—This Act may be cited as the  
3         “Western Oregon Tribal Fairness Act”.

4         (b) TABLE OF CONTENTS.—The table of contents for  
5     this Act is as follows:

See. 1. Short title; table of contents.

TITLE I—COW CREEK UMPQUA LAND CONVEYANCE

Sec. 101. Short title.  
Sec. 102. Definitions.  
Sec. 103. Conveyance.  
Sec. 104. Map and legal description.  
Sec. 105. Administration.  
Sec. 106. Land reclassification.

TITLE II—COQUILLE FOREST FAIRNESS

Sec. 201. Short title.  
Sec. 202. Amendments to Coquille Restoration Act.

TITLE III—OREGON COASTAL LANDS

Sec. 301. Short title.  
Sec. 302. Definitions.  
Sec. 303. Conveyance.  
Sec. 304. Map and legal description.  
Sec. 305. Administration.  
Sec. 306. Land reclassification.

6     **TITLE I—COW CREEK UMPQUA  
7                            LAND CONVEYANCE**

8     **SEC. 101. SHORT TITLE.**

9         This title may be cited as the “Cow Creek Umpqua  
10      Land Conveyance Act”.

11     **SEC. 102. DEFINITIONS.**

12         In this title:

13             (1) COUNCIL CREEK LAND.—The term “Council  
14      Creek land” means the approximately 17,519 acres  
15      of land, as generally depicted on the map entitled

1       “Canyon Mountain Land Conveyance” and dated  
2       June 27, 2013.

3               (2) TRIBE.—The term “Tribe” means the Cow  
4       Creek Band of Umpqua Tribe of Indians.

5               (3) SECRETARY.—The term “Secretary” means  
6       the Secretary of the Interior.

7 **SEC. 103. CONVEYANCE.**

8               (a) IN GENERAL.—Subject to valid existing rights,  
9       including rights-of-way, all right, title, and interest of the  
10      United States in and to the Council Creek land, including  
11      any improvements located on the land, appurtenances to  
12      the land, and minerals on or in the land, including oil and  
13      gas, shall be—

14               (1) held in trust by the United States for the  
15      benefit of the Tribe; and

16               (2) part of the reservation of the Tribe.

17               (b) SURVEY.—Not later than 1 year after the date  
18      of enactment of this Act, the Secretary shall complete a  
19      survey of the boundary lines to establish the boundaries  
20      of the land taken into trust under subsection (a).

21 **SEC. 104. MAP AND LEGAL DESCRIPTION.**

22               (a) IN GENERAL.—As soon as practicable after the  
23      date of enactment of this Act, the Secretary shall file a  
24      map and legal description of the Council Creek land  
25      with—

1                             (1) the Committee on Energy and Natural Re-  
2                             sources of the Senate; and

3                             (2) the Committee on Natural Resources of the  
4                             House of Representatives.

5                             (b) FORCE AND EFFECT.—The map and legal de-  
6                             scription filed under subsection (a) shall have the same  
7                             force and effect as if included in this title, except that  
8                             the Secretary may correct any clerical or typographical er-  
9                             rors in the map or legal description.

10                           (c) PUBLIC AVAILABILITY.—The map and legal de-  
11                             scription filed under subsection (a) shall be on file and  
12                             available for public inspection in the Office of the Sec-  
13                             retary.

14 **SEC. 105. ADMINISTRATION.**

15                           (a) IN GENERAL.—Unless expressly provided in this  
16                             title, nothing in this title affects any right or claim of the  
17                             Tribe existing on the date of enactment of this Act to any  
18                             land or interest in land.

19                           (b) PROHIBITIONS.—

20                             (1) EXPORTS OF UNPROCESSED LOGS.—Fed-  
21                             eral law (including regulations) relating to the ex-  
22                             port of unprocessed logs harvested from Federal  
23                             land shall apply to any unprocessed logs that are  
24                             harvested from the Council Creek land.

1                             (2) NON-PERMISSIBLE USE OF LAND.—Any real  
2                             property taken into trust under section 103 shall not  
3                             be eligible, or used, for any gaming activity carried  
4                             out under Public Law 100–497 (25 U.S.C. 2701 et  
5                             seq.).

6                             (c) FOREST MANAGEMENT.—Any forest management  
7                             activity that is carried out on the Council Creek land shall  
8                             be managed in accordance with all applicable Federal  
9                             laws.

10 **SEC. 106. LAND RECLASSIFICATION.**

11                             (a) IDENTIFICATION OF OREGON AND CALIFORNIA  
12 RAILROAD GRANT LAND.—Not later than 180 days after  
13 the date of enactment of this Act, the Secretary of Agri-  
14 culture and the Secretary shall identify any Oregon and  
15 California Railroad grant land that is held in trust by the  
16 United States for the benefit of the Tribe under section  
17 103.

18                             (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—  
19 Not later than 18 months after the date of enactment of  
20 this Act, the Secretary shall identify public domain land  
21 in the State of Oregon that—

22                                 (1) is approximately equal in acreage and con-  
23                             dition as the Oregon and California Railroad grant  
24                             land identified under subsection (a); and

1                             (2) is located in the vicinity of the Oregon and  
2                             California Railroad grant land.

3                             (c) MAPS.—Not later than 2 years after the date of  
4                             enactment of this Act, the Secretary shall submit to Con-  
5                             gress and publish in the Federal Register one or more  
6                             maps depicting the land identified in subsections (a) and  
7                             (b).

8                             (d) RECLASSIFICATION.—

9                             (1) IN GENERAL.—After providing an oppor-  
10                             tunity for public comment, the Secretary shall re-  
11                             classify the land identified in subsection (b) as Or-  
12                             egon and California Railroad grant land.

13                             (2) APPLICABILITY.—The Act of August 28,  
14                             1937 (43 U.S.C. 1181a et seq.), shall apply to land  
15                             reclassified as Oregon and California Railroad grant  
16                             land under paragraph (1).

## 17                             **TITLE II—COQUILLE FOREST 18                                     FAIRNESS**

### 19                             **SEC. 201. SHORT TITLE.**

20                             This title may be cited as the “Coquille Forest Fair-  
21                             ness Act”.

### 22                             **SEC. 202. AMENDMENTS TO COQUILLE RESTORATION ACT.**

23                             Section 5(d) of the Coquille Restoration Act (25  
24                             U.S.C. 715c(d)) is amended—

1                             (1) by striking paragraph (5) and inserting the  
2                             following:

3                             “(5) MANAGEMENT.—

4                             “(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, acting through the  
5                             Assistant Secretary for Indian Affairs, shall  
6                             manage the Coquille Forest in accordance with  
7                             the laws pertaining to the management of In-  
8                             dian trust land.

9  
10                             “(B) ADMINISTRATION.—

11                             “(i) UNPROCESSED LOGS.—Unproc-  
12                             essed logs harvested from the Coquille For-  
13                             est shall be subject to the same Federal  
14                             statutory restrictions on export to foreign  
15                             nations that apply to unprocessed logs har-  
16                             vested from Federal land.

17                             “(ii) SALES OF TIMBER.—Notwith-  
18                             standing any other provision of law, all  
19                             sales of timber from land subject to this  
20                             subsection shall be advertised, offered, and  
21                             awarded according to competitive bidding  
22                             practices, with sales being awarded to the  
23                             highest responsible bidder.”;

24                             (2) by striking paragraph (9); and

## **TITLE III—OREGON COASTAL LANDS**

## **5 SEC. 301. SHORT TITLE.**

6 This title may be cited as the "Oregon Coastal Lands  
7 Act".

## 8 SEC. 302. DEFINITIONS.

## 9 In this title:

**20 SEC. 303 CONVEYANCE**

21       (a) IN GENERAL.—Subject to valid existing rights,  
22 including rights-of-way, all right, title, and interest of the  
23 United States in and to the Oregon Coastal land, includ-  
24 ing any improvements located on the land, appurtenances

1 to the land, and minerals on or in the land, including oil  
2 and gas, shall be—

3                 (1) held in trust by the United States for the  
4                 benefit of the Confederated Tribes; and  
5                 (2) part of the reservation of the Confederated  
6                 Tribes.

7                 (b) SURVEY.—Not later than 1 year after the date  
8 of enactment of this Act, the Secretary shall complete a  
9 survey of the boundary lines to establish the boundaries  
10 of the land taken into trust under subsection (a).

**11 SEC. 304. MAP AND LEGAL DESCRIPTION.**

12                 (a) IN GENERAL.—As soon as practicable after the  
13 date of enactment of this Act, the Secretary shall file a  
14 map and legal description of the Oregon Coastal land  
15 with—

16                 (1) the Committee on Energy and Natural Re-  
17 sources of the Senate; and  
18                 (2) the Committee on Natural Resources of the  
19 House of Representatives.

20                 (b) FORCE AND EFFECT.—The map and legal de-  
21 scription filed under subsection (a) shall have the same  
22 force and effect as if included in this title, except that  
23 the Secretary may correct any clerical or typographical er-  
24 rors in the map or legal description.

1       (c) PUBLIC AVAILABILITY.—The map and legal de-  
2 scription filed under subsection (a) shall be on file and  
3 available for public inspection in the Office of the Sec-  
4 retary.

5 **SEC. 305. ADMINISTRATION.**

6       (a) IN GENERAL.—Unless expressly provided in this  
7 title, nothing in this title affects any right or claim of the  
8 Confederated Tribes existing on the date of enactment of  
9 this Act to any land or interest in land.

10      (b) PROHIBITIONS.—

11           (1) EXPORTS OF UNPROCESSED LOGS.—Fed-  
12 eral law (including regulations) relating to the ex-  
13 port of unprocessed logs harvested from Federal  
14 land shall apply to any unprocessed logs that are  
15 harvested from the Oregon Coastal land taken into  
16 trust under section 303.

17           (2) NON-PERMISSIBLE USE OF LAND.—Any real  
18 property taken into trust under section 303 shall not  
19 be eligible, or used, for any gaming activity carried  
20 out under Public Law 100–497 (25 U.S.C. 2701 et  
21 seq.).

22           (c) LAWS APPLICABLE TO COMMERCIAL FORESTRY  
23 ACTIVITY.—Any commercial forestry activity that is car-  
24 ried out on the Oregon Coastal land taken into trust under

1 section 303 shall be managed in accordance with all appli-  
2 cable Federal laws.

3 (d) AGREEMENTS.—The Confederated Tribes shall  
4 consult with the Secretary and other parties as necessary  
5 to develop agreements to provide for access to the Oregon  
6 Coastal land taken into trust under section 303 that pro-  
7 vide for—

8 (1) honoring existing reciprocal right-of-way  
9 agreements;

10 (2) administrative access by the Bureau of  
11 Land Management; and

12 (3) management of the Oregon Coastal lands  
13 that are acquired or developed under chapter 2003  
14 of title 54, United States Code (commonly known as  
15 the “Land and Water Conservation Fund Act of  
16 1965”), consistent with section 200305(f)(3) of that  
17 title.

18 (e) LAND USE PLANNING REQUIREMENTS.—Except  
19 as provided in subsection (c), once the Oregon Coastal  
20 land is taken into trust under section 303, the land shall  
21 not be subject to the land use planning requirements of  
22 the Federal Land Policy and Management Act of 1976  
23 (43 U.S.C. 1701 et seq.) or the Act of August 28, 1937  
24 (43 U.S.C. 1181a et seq.).

## 1 SEC. 306. LAND RECLASSIFICATION.

2 (a) IDENTIFICATION OF OREGON AND CALIFORNIA  
3 RAILROAD GRANT LAND.—Not later than 180 days after  
4 the date of enactment of this Act, the Secretary of Agri-  
5 culture and the Secretary shall identify any Oregon and  
6 California Railroad grant land that is held in trust by the  
7 United States for the benefit of the Confederated Tribes  
8 under section 303.

9 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—  
10 Not later than 18 months after the date of enactment of  
11 this Act, the Secretary shall identify public domain land  
12 in the State of Oregon that—

13 (1) is approximately equal in acreage and con-  
14 dition as the Oregon and California Railroad grant  
15 land identified under subsection (a); and  
16 (2) is located in the vicinity of the Oregon and  
17 California Railroad grant land.

18 (c) MAPS.—Not later than 2 years after the date of  
19 enactment of this Act, the Secretary shall submit to Con-  
20 gress and publish in the Federal Register one or more  
21 maps depicting the land identified in subsections (a) and  
22 (b).

23 (d) RECLASSIFICATION.—

24 (1) IN GENERAL.—After providing an oppor-  
25 tunity for public comment, the Secretary shall

1 reclassify the land identified in subsection (b) as Or-  
2 egon and California Railroad grant land.

3 (2) APPLICABILITY.—The Act of August 28,  
4 1937 (43 U.S.C. 1181a et seq.), shall apply to land  
5 reclassified as Oregon and California Railroad grant  
6 land under paragraph (1).

Passed the House of Representatives September 16,  
2015.

Attest: KAREN L. HAAS,  
*Clerk.*